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**[ SITE PLAN REVIEW REGULATIONS**

**TOWN OF HAMPTON FALLS, NEW HAMPSHIRE**

**DRAFT**

KFN1658.A44.N4 1794

This report was funded in part by a grant from the Office of State Planning, New Hampshire Coastal Program, as authorized by the National Oceanic and Atmospheric Administration (NOAA), Award Number NA37OZ0277-01.

*attachment 93.3.1.3*

# SITE PLAN REVIEW REGULATIONS

Adopted December 2, 1982

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**ARTICLE I - AUTHORITY AND TITLE**

Pursuant to the authority vested in the Planning Board by the Town Meeting held on November 3, 1982 and in accordance with the provisions of New Hampshire RSA 674:43-44, as amended, the Town of Hampton Falls Planning Board adopts the following regulations. These regulations govern the review of site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

These regulations shall be known, and may be cited as, the "Town of Hampton Falls Site Plan Review Regulations," hereinafter referred to as "Site Plan Review Regulations."

**ARTICLE II - PURPOSE**

The purpose of these Regulations is to:

- (a) Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of: (1) inadequate drainage or conditions conducive to flooding of the property or that of another; (2) inadequate protection for the quality of groundwater; (3) undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and (4) inadequate provision for fire safety, prevention, and control;
- (b) Provide for the harmonious and aesthetically pleasing development of the Town and its environs;
- (c) Provide for open spaces and green spaces of adequate proportions;
- (d) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the Town;
- (e) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- (f) Require in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- (g) Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- (h) Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

### **ARTICLE III - DEFINITIONS**

#### **3.1 Interpretations**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these regulations. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not optional.

In general, words and terms used in these regulations shall have their customary dictionary meanings. Definitions contained in the existing Town of Hampton Falls Zoning Ordinance, as appropriate, shall apply herein.

#### **3.2 Definitions**

**Abutter:** means any property owner whose property is located in New Hampshire and adjoins or is directly across the street or stream, from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

**Certified Soil Scientist:** means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Community Wastewater System:** means a non-municipal wastewater supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

**Community Water Supply:** means a non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round, or that has at least fifteen (15) service connections.

**Completed Application:** means the application form and supporting documents, as specified in these Regulations, that contains all the information the planning board needs to review a site plan proposal and make an informed decision.

**Development:** means the construction of improvements on a tract or tracts of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

**Enlargement:** means the increase in size or the expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure or other appurtenance.

**Engineer:** means a person licensed in accordance with RSA 310-A:2-27, as amended.

**Improvement:** means all structures, appurtenances or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these regulations.

**Planning Board:** means the Hampton Falls Planning Board as established under the provisions of N.H. RSA 673:1, as amended.

**Planning Board Agent:** means the planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.

**Soil Type:** as defined by High Intensity Soil Maps for New Hampshire prepared by a certified soil scientist.

**Surveyor:** means a person licensed in accordance with RSA 310-A:53, as amended.

**Town Engineer:** means the duly designated engineer of the Town of Hampton Falls, or if there is no such official, the planning consultant or official assigned by the Hampton Falls Planning Board.

#### **ARTICLE IV - GENERAL PROVISIONS**

##### **4.1 Site Plan Review Required**

The Planning Board shall require site plans to be submitted to it for review by any applicant seeking any of the following:

- 4.1.1 The construction of any new non-residential use or multi-family dwellings.
- 4.1.2 Any modification or intensification of any non-residential or multi-family permitted use or grandfathered use.
- 4.1.3 The construction or conversion of any non-residential or multi-family use in which development of the site is contemplated or required by virtue of any other Town or State ordinance, statute, regulation or decision of the Town's Zoning Board of Adjustment.
- 4.1.4 The change of use within a structure from one permitted non-residential use to another permitted non-residential use which will require development of the site including, but not limited to, improvement or alteration to the site required by virtue of any other Town or State ordinance, statute or regulation.

##### **4.2 Site Plan Review Not Required**

Site Plan Review shall not be required when:

- 4.2.1 There is a change in use that does not require any alteration in septic or water supply requirements, or;

4.2.2 The addition to any building does not exceed 300 square feet in size, or;

4.2.3 Parking areas, driveways, or other areas covered with impermeable material for the first time do not exceed 1000 square feet.

#### 4.3 Review Standards

In reviewing site plans, the Planning Board must take into consideration the public health, safety, general welfare, the comfort and convenience of the general public, Master Plan objectives, and, as a condition of approval, may require such modifications of the proposed site plan as it deems necessary to comply with the spirit as well as the letter of these regulations. The Planning Board shall take into account the following objectives:

4.3.1 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard:

4.3.1.1 The effect of the proposed development on traffic conditions on abutting streets.

4.3.1.2 The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

4.3.1.3 The visibility in both directions of all exit points of the site and the visibility of vehicles entering or exiting the site to drivers of vehicles travelling on abutting streets.

4.3.1.4 The location, arrangement and adequacy of off-street parking facilities.

4.3.1.5 Interconnection of parking areas via access drives within the site and between the site and adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

4.3.1.6 The location, arrangement and adequacy of truck loading and unloading facilities.

4.3.1.7 Patterns of vehicular and pedestrian circulation both within the boundaries of the site and in relation to the adjoining street and sidewalk system.

4.3.1.8 The location, and adequacy of landscaping within the site and bordering parking and loading facilities.

4.3.2 The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard:

- 4.3.2.1 The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features.
  - 4.3.2.2 The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
  - 4.3.2.3 The landscaping of the site which shall consist of natural undisturbed vegetation or features, or ground cover, shrubs, or trees, as appropriate.
  - 4.3.2.4 The preparation of the site with minimal disturbance to existing vegetation.
  - 4.3.2.5 The grading and filling of the site to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties.
  - 4.3.2.6 The protection of residential abutters against undue noise, glare, unsightliness or other nuisances detrimental to property values.
- 4.3.3 In acting upon any site plan, the Planning Board may take into consideration the recommendations of the Town Planner, the Building Inspector, the Road Agent, the Fire Department, the Police Department, the Conservation Commission and any other town agencies or outside specialists with which the Planning Board consults.

#### 4.4 Requirements are Minimum and Not Maximum

These Regulations shall be interpreted as MINIMUM REQUIREMENTS and compliance with these minimum requirements in no way obligates the Planning Board to approve any particular application solely on that basis.

The Planning Board will fully consider all aspects of an application before rendering its decision. This will include a study of all site design and technical aspects of the proposal as well as consideration of the impact of the development on the open space, wildlife habitat and other natural resources, on local traffic patterns and on available public utilities, services and municipal resources. Only after the Planning Board has fully satisfied itself that the proposed project is in the best public interest and that it will not prove detrimental to the public health, safety, welfare or prosperity, will the application be approved.

#### 4.5 Higher Standards Shall Apply

If any other provision of Town, or any provision of State or Federal law relates to any matter covered herein, the provision which imposes the greater restriction or higher standard shall govern.

#### 4.6 Compliance with Other Regulations

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain

to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

#### 4.7 Suitability of Land

4.7.1 Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of this regulation and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Planning Board, establishing that the methods proposed to overcome any such conditions are adequate.

4.7.2 The Planning Board, in its discretion, shall not approve such scattered or premature developments as would endanger or be injurious to health, safety or prosperity by reason of the lack of public services or necessitate an excessive expenditure of public funds for the supply of such services.

4.7.3 In no case shall a dwelling, septic system, or other structure be sited on poorly drained or very poorly drained soils or within 100 feet of such soils.

#### 4.8 Erection of Buildings

No building permit shall be issued by the Building Inspector for the construction of any building or other structure on a development subject to these regulations until approval is granted by the Planning Board, and no Certificate of Occupancy shall be issued until the terms and conditions of the Planning Board's approval have been fulfilled.

#### 4.9 Off-Site Improvements

Pursuant to RSA 674:43 and 44, the Planning Board may require the installation of off-site public improvements and amenities, at the expense of the applicant, to assist in the establishment of a sound built environment. Such improvements shall include, but not be limited to, existing roadway improvements, intersection improvements or signalization, sidewalks, landscaping, extension of utilities, and existing drainage improvements, in order adequately to serve the proposed site. The installation of off-site improvements when required, shall be made a condition of approval. The Board may require the posting of a suitable performance security, as outlined in Article 7.1, to insure that all off-site improvements are completed.

### ARTICLE V - PROCEDURE FOR PLANNING BOARD REVIEW

#### 5.1 General Information

5.1.1 Whenever site plan review is required, the owner thereof, or his agent, shall apply in writing to the Board for approval. Application for site plan review shall be on forms supplied by the Board. The application shall conform to these regulations.

5.1.2 The Board may make a visual on-site inspection of any proposed site plan at any stage of the proposal, after prior arrangements are made with the

applicant or land owner. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.

5.1.3 If a plan is withdrawn prior to having notification for the public hearing, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.

5.1.4 Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed recreation area or other public open space.

## 5.2 Preapplication Review

The Planning Board provides for an optional preapplication review of site plan plats in accordance with RSA 676:4, II, as follows:

### 5.2.1 Preliminary Consultation Phase

A preliminary consultation and review on applications shall not bind either the applicant or the Planning Board. The preliminary consultation may include, but is not limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I (d), but must occur only at formal meetings of the Planning Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by Article 5.4. In a preliminary consultation, the application may present a rough sketch or other information useful in defining the general scope and concept of the site plan. The Planning Board may make suggestions to assist the application in preparing the formal application and in resolving problems foreseen with meeting subdivision requirements or other applicable regulations of the Town.

### 5.2.2 Design Review Phase

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Planning Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Article 5.4 of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan, fifteen (15) days prior to the hearing date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final site plan must be held.

## 5.3 Formal Application

5.3.1 Application for approval of the final site plan should be filed with the Board by the applicant or his agent in writing on forms provided by the Town. Submitted material shall be complete and include material described in Article VI. Should an application be found incomplete, the

Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.

- 5.3.2 A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least 15 days prior to the public meeting of the Board at which it is to be submitted.
- 5.3.3 A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.
- 5.3.4 Applications shall be disapproved by the Board without public hearing only for the following grounds:
  - 5.3.4.1 failure of the applicant to supply information required by these Site Plan Review Regulations; or,
  - 5.3.4.2 failure on the part of the applicant to meet reasonable deadlines as established by the Planning Board; or,
  - 5.3.4.3 failure on the part of the applicant to pay all required fees and charges.

#### 5.4 Public Notices

- 5.4.1 Notice of the design review phase or submission of a Completed Application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.
- 5.4.2 The public will be given notice at the same time, by posting at the Town Offices and Town Library and publication in a local newspaper.
- 5.4.3 The notice shall given the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered and shall identify the Applicant and the location of the proposal.
- 5.4.4 If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

#### 5.5 Board Action on Completed Application

- 5.5.1 The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.
- 5.5.2 The Board shall act to approve, conditionally approve, or disapprove the Completed Application within ninety (90) days of submission.

- 5.5.3 The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- 5.5.4 Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.
- 5.5.5 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

5.6 Conditional Approval

- 5.6.1 The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:
- 5.6.1.1 Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- 5.6.1.2 Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- 5.6.1.3 Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the board.
- 5.6.2 If the plat or application is approved with one or more conditions precedent that involve discretionary judgment, which are to be fulfilled prior to signing of the plat by the Board and filing of the same with

the Register of Deeds, the Planning Board shall hold a Compliance public hearing to determine whether the applicant has compiled and fulfilled the conditions previously set by the Board.

- 5.6.3 The applicant shall have one year to comply with the conditions of approval and to have the plan signed by the Board. During this first year the conditionally approved plans are exempt from changes in the zoning ordinance or subdivision regulations. If the conditions are not met within one year, the conditional approval shall lapse, unless granted a one year extension by the Board prior to the expiration date. Extensions may be granted for a one year period only. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Article 5.4, if the Board determines that conditions have changed appreciably. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance or site plan review regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions.

#### 5.7 Recording and Filing of Plats

- 5.7.1 No site plan shall be filed or recorded until it has been approved by the Planning Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signatures of a majority of members of the Board.
- 5.7.2 The approved site plan will be registered at the Rockingham County Registry of Deeds by the Hampton Falls Planning Board at the fee established by the Planning Board. One copy of the recorded plat shall be obtained by the Planning Board at the expense of the applicant. Should the approval be subject to conditions not apparent on the plan, such conditions shall be recorded as well with reference made to such conditions on the plan (or attached thereto).

#### 5.8 Site Plan Review Fees

- 5.8.1 Application Fees: The applicant shall pay a filing fee of \$50 and a public notice fee equal to \$4.00 per abutter (including the landowner and/or applicant), for each public hearing required. In order to cover the cost of reviewing the subdivision plan, a review fee is also required. The review fee shall be equal to:
- 5.8.1.1 For non-residential construction the fee is equal to \$25 per 1,000 square feet, or any portion thereof, of new construction or enlargement of existing structures. The minimum review fee is \$25 and the maximum review fee is \$1,000.
- 5.8.1.2 For multi-family units the fee is equal to \$10 per new dwelling unit, with a minimum of \$25 and a maximum of \$1,000.
- 5.8.2 In accordance with NH RSA 674:44 V, the applicant shall be required to pay all reasonable costs or fees for special investigative studies, environmental assessments, and the legal review of documents, which are particular to the application, in addition to application fees as required by the Board.

## 5.9 Developments of Regional Impact

In accordance with RSA 36:54-58, the Board shall review all site plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

## ARTICLE VI - COMPLETED APPLICATION REQUIREMENTS

### 6.1 Submission Requirements

The following information is required on the site plan or as part of the submission package in order for the application to be considered complete:

- 6.1.1 Application: A completely filled out and signed application form, which may be obtained in the Town Office.
- 6.1.2 Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters and the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application.
- 6.1.3 Fee: A check made payable to the Town of Hampton Falls equal to the fee required in Section 5.8.
- 6.1.4 Plan: Applicants shall submit four (4) paper copies of the site plan and an original mylar in permanent ink in the format required by Section 6.2.

### 6.2 Plan Format and Information Required

The site plan shall conform to the following format and contain the following information:

- 6.2.1 Sheet size in conformance with the requirements of the Registry of Deeds of Rockingham County.
- 6.2.2 Scale of the plan shall be not more than 1" = 100' (1 inch = 100 feet)
- 6.2.3 Margin of at least 1/2" outside ruled border lines on three sides and at least 2" along the left side for bindings.
- 6.2.4 Plan number, current owner(s) of record (and applicant, if different) and all abutters keyed to plan.
- 6.2.5 Name, license number, and seal of the N.H. registered Land Surveyor, plus name, seal and address of engineer.
- 6.2.6 Date, north arrow, location (locus) map.
- 6.2.7 Tax map and parcel number, and zoning district(s) and lines.
- 6.2.8 Adequate space for the necessary endorsement by the proper authorities.
- 6.2.9 Locations of property lines and their dimensions and bearings, area of each lot and total parcel, existing buildings, existing and proposed

easements, water courses, wetlands and appropriate setbacks, flood-plains, ponds, rock ledges, tree lines, and other essential features.

- 6.2.10 Title and deed references, and easements and other encumbrances.
- 6.2.11 The plat should list all variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted.
- 6.2.12 Location and width of existing streets.
- 6.2.13 Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains, fire hydrants, electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest one.
- 6.2.14 Where the topography or other conditions are such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than 20 feet in width and shall have satisfactory access to existing or proposed public ways.
- 6.2.15 A topographical plan with contour lines at two (2) foot vertical intervals shall be shown.
- 6.2.16 Description of proposed grade surfaces (i.e., grass, pavement, etc.), and percent of sealed surface (driveways, parking lots and roofs).
- 6.2.17 Stormwater drainage control plan, including location of catch basins, culverts and drains; method of storage and disposal; and calculations of volume and frequency of run-off.
- 6.2.18 Location of proposed fire hydrants, street lighting, fencing, loading docks and exterior lighting.
- 6.2.19 Description and location of exterior utility areas including solid waste disposal facilities, HVAC units, electric transformers, towers, aboveground fuel storage tanks, etc.
- 6.2.20 The type, extent, and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
- 6.2.21 The location, size and design of proposed signs and other advertising or instructional devices.
- 6.2.22 Location of proposed on-site snow storage.
- 6.2.23 A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets, including any traffic control devices necessary in conjunction with the site development plan.

6.2.24 Location and results of test pits and location of primary and secondary leach bed sites as required by NH WS&PCD.

6.2.25 Two (2) copies of an architectural rendering showing all elevation views of all buildings and their exterior design.

6.3 State and Federal Permits Required as Applicable:

The following state or federal permits may be required as applicable:

6.3.1 N.H. Water Supply and Pollution Control Division septic system design approval.

6.3.2 N.H. Wetlands Board "Dredge & Fill" permit.

6.3.3 N.H. Department of Transportation driveway access permit.

6.3.4 N.H. Water Supply & Pollution Control Division WS411 permit for underground storage tanks as regulated by RSA 146-C.

6.3.5 Any other state or federal permits required.

6.4 Local Items Required as Applicable

The following studies or plans may be required by the Board, as applicable:

6.4.1 Traffic impact analysis, as outlined in Article 7.2.

6.4.2 Soil erosion and sedimentation control plan, as outlined in Article 7.3.

6.4.3 High Intensity Soil Mapping, including the seal of the licensed Soil Scientist.

6.4.4 Landscaping plan, as outlined in Article 8.4.

ARTICLE VII - SPECIAL REQUIREMENTS

7.1 Construction and Maintenance Surety

Prior to the final approval of the site plan, the Planning Board may require construction and maintenance surety to be submitted to ensure the completion of required improvements on the site. Any improvements required off the site on public property will require a construction and maintenance surety. The surety shall be subject to the conditions and standards as specified in Section 7.4 of the Hampton Falls Subdivision Regulations, as amended.

7.2 Traffic Impact Analysis

All proposed non-residential and multi-family development proposals shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Planning Board due to the size, location or any other traffic-generating characteristic of the development. Traffic impact studies

shall be conducted in accordance with the conditions and standards contained in Section 7.6 of the Hampton Falls Subdivision Regulations, as amended.

### 7.3 Erosion and Sediment Control Regulations

The Planning Board may require the submission of an erosion and sediment control plan for the purpose of controlling soil erosion and sedimentation in surface water resulting from site construction and development. In determining if a plan is required, the Planning Board shall consider the potential impact of the project and ascertain if any of the following conditions are proposed:

- 7.3.1 A cumulative disturbed area exceeding 20,000 square feet;
- 7.3.2 Construction of a street or road;
- 7.3.3 Disturbed critical areas.

The plan and the construction shall conform to the conditions and standards contained in Section 7.7 of the Hampton Falls Subdivision Regulations, as amended.

## ARTICLE VIII - DESIGN AND CONSTRUCTION REQUIREMENTS

An applicant shall use the following design and construction standards when developing a site within the Town of Hampton Falls. These standards and requirements shall be construed as the minimum standards and requirements. The Planning Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### 8.1 Access Design and Standards

Traffic access to the site from Town streets must ensure the safety of vehicles and pedestrians. The design and construction standards for points of access are as follows:

- 8.1.1 All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the site plan. Permits required for driveways onto local streets shall be obtained from the Town's Road Agent.
- 8.1.2 The Planning Board must give its approval of the design for a proposed access/egress point onto the public way, which point shall provide an adequate sight distance, grade, width and curb.
- 8.1.3 In all cases, the number of points of access to a given street shall be held to a minimum, preferable one, in order to reduce traffic hazards from turning movements and installations of traffic control devices.
- 8.1.4 The Planning Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets should increased traffic be generated by the development. Improvements could include reducing the number and/or widths of access/egress points and requiring one way traffic patterns.
- 8.1.5 Off-site improvements may be required, such as pavement width, deceleration lanes, curbing or signal devices.

- 8.1.6 Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
- 8.1.7 Driveways onto State highways shall be designed in accordance with the NH Department of Transportation's Administrative Rules Tra302, as amended. These design standards shall also apply to driveways onto local highways, where possible.

## 8.2 Parking Lot Design

- 8.2.1 Parking areas and drives shall be paved if public use is intended; however, the Board may waive paving to reduce runoff which cannot be disposed of properly.
- 8.2.2 Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
- 8.2.3 Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- 8.2.4 The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

Parking Angle (degrees)	Aisle Width (feet)
45	13
60	18
90	22

- 8.2.5 Parking spaces shall be arranged so that cars will not back into a public street.
- 8.2.6 The final design of the parking lot shall be subject to approval of the Planning Board, which may require other standards as special circumstances warrant.
- 8.2.7 The number of required parking spaces shall conform with the "Off-street Parking Requirement", Article IV, Section 5 of the Hampton Falls Zoning Ordinance.
- 8.2.8 Driveways and parking areas shall be located in such a fashion so as not to unduly harm the owners or occupants of neighboring parcels. Ordinarily driveways and parking areas shall not be located in the required setbacks. The Planning Board may approve the location of driveways and parking areas within the required set backs if such location is necessary and reasonable given the intended use of the lot or parcel and the existing or intended uses of abutting lots or parcels.

8.3 Parking Lot and Driveway Construction Standards

Drives and parking areas must be constructed to the following specifications:

- 8.3.1 Loam and/or yielding material must be removed to a depth of no less than 12 inches below finished grade.
- 8.3.2 A bank run gravel sub-base of six (6) inches must be applied and compacted, followed by a six (6) inch base of crushed gravel, then compacted and rolled true to grade lines with a roller weighing not less than 12 tons.
- 8.3.3 A one (1) inch binder course and a one (1) inch wearing surface of bituminous concrete pavement must be installed with a self-propelled mechanical spreader and rolled by a tandem roller with not less than 25 pounds per inch of wheel width.
- 8.3.4 The minimum grade for parking areas shall be 0.5 percent, the maximum grade shall be five percent (5%).

8.4 Landscaping and Screening

- 8.4.1 Landscaping and screening must be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas.
- 8.4.2 Buffer strips of at least twenty-five (25) feet minimum width must be provided where a proposed non-residential development abuts residential properties. Where appropriate, existing growth must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons.
- 8.4.3 A landscaping plan must be submitted and approved, showing locations and types of vegetation to be retained or established.
- 8.4.4 All outdoor storage areas, loading areas and trash receptacles shall be located or screened and fenced to prevent visibility from public roads, parking areas, or neighboring properties. The manner of waste disposal shall be specified and the site plan shall show the location of all waste disposal facilities.
- 8.4.5 Parking areas shall be landscaped according to the following design standards in order to break up the visual expansiveness of parking lots and to reduce glare and heat:
  - 8.4.5.1 Parking areas should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjacent properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.
  - 8.4.5.2 A minimum of five percent of the interior of a parking area, excluding the required buffer areas, shall be landscaped with shade trees, low shrubs, and/or groundcover.

- 8.4.5.3 A continuous landscape strip should be provided between every four rows of parking. The strip should be a minimum of eight (8) feet in width to accommodate a low hedge and shade trees.
- 8.4.5.4 Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the site.
- 8.4.5.5 Landscaping plans should use trees with groundcover or low shrubs as the primary landscape material within parking lots and avoid tall shrubs or low-branching trees that will restrict visibility.

#### 8.5 Snow Storage

Provision shall be made to store snow accumulation during the winter months, and such provisions shall be shown on the site plan.

#### 8.6 Stormwater Drainage

- 8.6.1 An adequate surface stormwater drainage system must be provided. Storm drainage shall be carried to existing water courses, or connect to existing storm drains. Stormwater runoff shall be restricted to existing drainageways. No new drainageways shall be created unless necessary easements are obtained by the applicant. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines unless it is to be within an existing approved public storm drainage system.
- 8.6.2 Storm sewers and drainage facilities must be based upon a design flow with a minimum return interval of a 10-year/24 hour storm. Retention structures, such as holding ponds, sedimentation ponds, etc., must be designed to 50-year/24-hour storm standards, in accordance with the guidance document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended.

#### 8.7 Sidewalks

Sidewalks must be provided for pedestrian traffic to permit passageways between the main entrances of business, housing or industrial establishments, and parking areas. All such sidewalks must be at least six (6) inches above grade and protected by curbing. The design must include means for access by handicapped persons.

#### 8.8 Illumination

- 8.8.1 Outdoor lighting must not directly shine on abutting properties or on public highways or streets.
- 8.8.2 Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs shall not be permitted.

8.8.3 Outdoor lighting must be restricted to that which is necessary for advertising, safety, and security of the development.

8.8.4 Fixtures and locations must be approved by the Planning Board.

8.9 Construction Standards

Construction of improvements shall also comply with, and be inspected pursuant to the requirements of "Building Regulations - Town of Hampton Falls".

8.10 Fire Protection

Buildings to be used by the public and/or for human occupancy must contain an adequate fire alarm/warning system. Such fire alarms shall be indicated on the plans and installed by the applicant.

ARTICLE IX - SUPPLEMENTARY REGULATIONS

9.1 Water and Sewer Service

In areas of the town where municipal water and sewer service is not provided, water supply and sewage disposal systems must be sized to meet the needs of the proposed use. Percolation tests and design of disposal systems shall comply with requirements of Section 7.9 of the Town's Subdivision Regulations.

9.2 Industrial Site Development Plans

An application for an industrial use shall conform to these Regulations and Article XI, Section 3.32 of the Town of Hampton Falls Zoning Ordinance.

9.3 Inspections

9.3.1 The Town Engineer shall inspect all site improvements.

9.3.2 The applicant must pay the cost of the Planning Board's employment of said engineer and the cost of any inspector(s) and test(s) deemed necessary by the Planning Board or the engineer.

9.3.3 A letter certifying to the applicant's concession to the employment of said engineer shall be filed with the Planning Board as part of the site plan review.

9.3.4 The Town Engineer shall, among other duties, certify to the Planning Board and the Board of Selectmen that the site development is in accordance with all plans and other data upon which the Site Plan Review approval was based, or, finding otherwise, render to those Boards a report(s) describing in detail any deficiencies found and, if appropriate, his recommendations as to the seriousness of these deficiencies and measures required for the correction thereof. A copy of his findings shall also be filed with the Building Inspector. There shall be no release as respects any surety until the Town Engineer certifies that all conditions to this approval have been met.

#### 9.4 Special Flood Hazard Areas

All site plan proposals governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Hampton Falls, N.H." together with the associated Flood Insurance Rate Maps of the Town of Hampton Falls, N.H., dated April 15, 1982, shall meet the following requirements:

- 9.4.1 Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
- 9.4.2 All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
- 9.4.3 Adequate drainage shall be provided to reduce exposure to flood hazards.
- 9.4.4 New and replacement water systems (including on-site systems) shall be located, designed, and constructed to minimize infiltration and avoid impairment.
- 9.4.5 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- 9.4.6 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 9.4.7 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the N.H. Office of Emergency Management and Wetlands Board, and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
- 9.4.8 Site plans shall include 100-year flood elevation data.

#### 9.5 As-built Drawings

Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by a competent surveyor or engineer an "as-built plan" showing the accurate location, invert and top grade of all drainage structures, all sewer structures, water mains and appurtenances and ties thereto. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval.

In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficiently material as to require a re-submission of portions or all of the

project plans to the Planning Board under these regulations or any part thereof.

#### **ARTICLE X - STATE DEALER'S LICENSE REQUIREMENTS**

##### **10.1 Definition of Dealer**

Any site for storage of or display of three or more registered or unregistered motor vehicles, OHRV, utility vehicles, trailers, RV's, boats, or construction equipment for wholesale or retail sales shall be considered a dealer and subject to Site Plan Review Regulations.

##### **10.2 Site Plan Requirements for Dealers**

All dealerships shall conform to the following requirements to obtain Planning Board approval as required to obtain State of New Hampshire Dealer's License.

10.2.1 Each site shall be approved for only one dealer's license.

10.2.2 Each site shall be considered as a separate dealership and shall conform to site plan requirements.

10.2.3 Each site shall have one building that shall maintain a minimum of 1,200 square feet of inside storage devoted to vehicle use only and shall conform to current BOCA Building and NFPA Fire Safety Codes, and N.H. Department of Environmental Services rules for floor drains and storage of waste oils, antifreeze solutions and other hazardous materials.

10.2.4 Each site shall have display parking for a minimum of 25 vehicles in addition to normal parking requirements needed for buildings on site, as specified in the zoning ordinance. Display parking spaces do not have to have adjacent access to an aisle (i.e. they can be stacked parking) and must be a minimum of 8 feet wide and 18 feet long.

10.2.5 Each site shall maintain an on-site area for loading and unloading of vehicles that are delivered via transport.

#### **ARTICLE XI - ADMINISTRATION AND ENFORCEMENT**

##### **11.1 General**

These Regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Engineer, planning board agent and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Site Plan Review Regulations. The Selectmen in enforcing these Regulations shall act upon complaints from the public or information from the Planning Board, Building Inspector, Town Engineer, planning board agent or others, and shall, whenever practicable, take such action as is necessary.

## 11.2 Appeals

Any person aggrieved by any decision of the Planning Board concerning a plat or subdivision may appeal said decision to the Superior Court, as provided by RSA 677:15.

## 11.3 Amendments

The Planning Board may from time to time amend these regulations. Amendments to the Subdivision Regulations shall include the following steps:

11.3.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

11.3.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

11.3.3 The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

11.3.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk and the Board of Selectmen. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

## 11.4 Fines and Penalties

Any violation of these regulations shall be punishable as per RSA 676:17, 17-a, and 17-b, as the Board of Selectmen shall elect. The Planning Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

## 11.5 Waiver Procedure

11.5.1 When a proposed site plan is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

11.5.2 The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Planning Board only at a properly noticed public hearing.

**11.6 Conflicting Provisions**

Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

**11.7 Validity**

If any section or part of section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of these Regulations.

**11.8 Effective Date**

These revised regulations are effective as of \_\_\_\_\_, 199\_\_ on which day they have been filed with the Hampton Falls Town Clerk.